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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,592

12/05/2007

Albert W. Harrison III

TRM044

8169

80711

7590

05/05/2009

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EXAMINER

PATEL, KIRAN B

ART UNIT

PAPER NUMBER

3612

MAIL DATE

DELIVERY MODE

05/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,592	Applicant(s) HARRISON III ET AL.	
	Examiner Kiran B. Patel	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-14 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

Election/ Restriction (5/4/09)

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

2. Examination of the application shows that this application includes more than one invention. Applicant is requested to verify each invention along with their respective claims as outlines below by the Examiner. Applicant is requested to make all the necessary amendments (with detail explanation) to each of these inventions to distinctly claim the subject matter which applicant regards as the invention. Applicant is also requested to elect a single invention elected for prosecution and a listing of all claims readable only on the elected invention along with associated figures.

3. Restriction to one of the following inventions is required because this application, as best understood, contains claims directed to the following patentably distinct inventions. Applicant is requested to elect a single invention to include claims and elect associated figures showing the elected invention for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable:

Invention I - claims 1-4, directed towards a apparatus wherein said universal adapter brackets are connected to attachment brackets and to the vehicle body.

Invention II - claims 5-8, directed towards an apparatus wherein said universal adapter brackets are connected to attachment brackets.

Invention III - claim 9, directed towards a motor vehicle wherein universal adapter brackets attached to said body to locate and attach said any one of said rigid panel hardtop, said retractable, hardtop or said soft convertible top roof system.

Invention IV - claims 10-12, directed towards a motor vehicle roof system wherein said transverse support structure provides a handling and transport aid

for said roof system, and wherein said transverse support provides attachment at said first end and said second end within said vehicle.

Invention V - claims 13, directed towards an apparatus wherein a pivot mechanism located near said trunk lid rear edge to allow said trunk lid front edge to pivot from a dosed position to an extended position wherein said retractable roof system can be retracted from an open position covering the passenger compartment of a vehicle to a retracted position in said trunk.

Invention VI - claims 14, directed towards a method to include providing a common vehicle body, providing adapter brackets, providing a spider gage, locating said adapter, attaching said adapter brackets, removing said spider gage, installing one of said rigid hardtop, and attaching said selected roof.

The inventions listed as Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features.

Restriction for examination purpose as indicated above is proper because each of these above inventions having various/different/distinct limitations as outlined above and therefore acquired a separate status in the art because of their recognized divergent subject matter and there would be a serious burden on the examiner if restriction is not required.

As best understood, Examiner has identified the Inventions (I, II, III, etc.) but Applicant may amend, with a detailed explanation, the composition of each invention (I, II, III, etc.) to include respective claims and figures to distinctly claim the subject matter which applicant regards as the invention.

4. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

This application, as best understood, contains claims directed to the following patentably distinct species of the claimed invention:

- Species A - directed towards Fig. 1, 1A
- Species B - directed towards Fig. 2
- Species C - directed towards Fig. 3
- Species D - directed towards Fig. 4
- Species E - directed towards Fig. 5
- Species F - directed towards Fig. 5A

Species G - directed towards Fig. 6
Species H - directed towards Fig. 7, 8, 9
Species I - directed towards Fig. 10, 11, 12
Species J - directed towards Fig. 13, 14, 15.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features.

6. Examination of the application (Brief Description of The Drawings) shows that this application includes number of species and/or embodiments. Applicant is requested to verify each species and/or embodiments along with their respective figures as outlines below by the Examiner. Applicant is requested to make all the necessary amendments (with detail explanation) to the species and/or embodiments and/or figures to distinctly claim the subject matter which applicant regards as the invention. Applicant is also requested to elect a single species elected for prosecution and a listing of all claims readable only on the elected species along with associated figures.

7. Applicant is advised that a response to this requirement must include an identification of the species and associated figures that is elected consonant with this requirement, and a listing of all claims readable *only* on the elected species, including any claims subsequently added. An argument that a claim is allowable or

that all claims are generic is considered nonresponsive unless accompanied by an election.

8. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP, 809.02(a).

9. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the Examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

10. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

11. A telephone call was made for the Attorney/Agent responsible for this application to request an oral election to the above restriction requirement, but did not result in an election being made.

12. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined.

13. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventor ship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor ship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiran B. Patel whose telephone number is 571-

272-6665. The examiner can normally be reached on M-F 8:00 to 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiran B. Patel/

Kiran B. Patel, P.E.
Primary Examiner
Art Unit 3612